

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed November 14, 2006 (the "Office Action"). At the time of the Office Action, Claims 1-21 were pending. The Office Action rejects Claims 1-3, 5-10 and 12-21 and objects to Claims 4 and 11. Applicants respectfully request reconsideration and favorable action in this case.

#### **Section 101 Rejections**

Claims 15-20 are rejected under 35 U.S.C. §101 because the Office Action contends that the claimed invention is directed to non-statutory matter. Applicants have amended independent Claim 15 to recite logic embodied as a computer program stored on a computer readable medium. Applicants respectfully request withdrawal of these rejections.

#### **Section 102/103 Rejections**

The Office Action rejects Claims 1, 3, 5-8, 10, 12-15, 17 and 19-21 under 35 U.S.C. 102(b) as being anticipated by WO 2003/001340 to Mosttov et al ("*Mosttov*"). The Office Action rejects Claims 2, 9 and 16 under 35 U.S.C. 103(a) as being unpatentable over Mosttov. Applicants respectfully traverse these rejections.

Claim 1 recites a control module operable to track movement of a handheld device using a motion detection module; compare the tracked movement against gestures in a first gesture set to determine matching gestures, monitor user precision in indicating the matching gestures, determine that the user precision exceeds a precision threshold, prompt the user to enable the second gesture set and enable the second gesture set. Claims 8, 15 and 21 recite similar elements. The Office Action suggests that *Mosttov* discloses these elements at Figure 4 and page 10, lines 9-12. See Office Action, page 3. For example, the Office Action states that:

[P]age 10, lines 9-12 of *Mosttov* states "the second interpreters 54 identifies a direction and degree of "tilt", e.g., the amount by which the electronic device is tilted away from the gravitational vector along one of the six semi-axes"; it is inherent that the motion discriminator 50 having a precision threshold to discriminate the motion of the device is a linear/planar motion or a tilt motion, when the degree of "tilt" exceeds the precision threshold, the tilt motion is identified by the second interpreters 54.

Office Action, page 3. However, *Mosttov* discloses detecting inertial data and, based on the detection, determining which of a class of gestures is represented by the inertial data. *See Mosttov*, Figure 4 and page 8, lines 29-34. Classes of gestures in *Mosttov* may include tilting, linear motions, reciprocal motions and planar motions. *See id.*, page 8, lines 27-28. *Mosttov* discloses interpreters which can identify reciprocal motion or tilt to determine a particular gesture class input. *See id.*, page 10, lines 9-16. However, *Mosttov* does not disclose monitoring user precision in indicating matching gestures or, for that matter, determining that user precision exceeds a precision threshold and prompting the user to enable another gesture set. *Mosttov* merely identifies a particular gesture class input and gesture input based on device movement, but *Mosttov* does not monitor user precision in moving the device for a particular gesture. Therefore, for at least these reasons, Applicants respectfully submit that Claims 1, 8, 15 and 21 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

Claims 2-3 and 5-7 each depends from Claim 1, Claims 9-10 and 12-14 and Claims 16-20 each depends from Claim 15. Thus, for at least the reasons discussed above with respect to Claims 1, 8 and 15, Applicants respectfully request that the rejections of Claims 2-3, 5-7, 9-10, 12-14 and 16-20 be withdrawn.

**Allowable Subject Matter**

Applicants note with appreciation that Claims 4 and 11 are indicated as having allowable subject matter. Applicants respectfully submit that Claims 4 and 11 are allowable as depending from allowable independent Claims 1 and 8.

**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees due or credit any overpayments, to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

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